

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

ANAS ELHADY, et al.,)	
)	
Plaintiffs,)	Case No. 16-cv-00375
)	Hon. Anthony J. Trenga
)	Hon. Mag. John F. Anderson
)	
v.)	
)	
CHARLES H. KABLE , Director of the)	
Terrorist Screening Center; in his official)	
capacity, <i>et al.</i> ;)	
)	
Defendants.)	

PLAINTIFFS' REPLY IN SUPPORT OF THEIR MARCH 1ST MOTION TO COMPEL

Plaintiffs, by and through the undersigned counsel, hereby file their reply in support of their motion to compel compliance with the Court's February 22nd order and for remedial discovery measures in light of Defendants' private dissemination practices. Despite their good-faith and substantial efforts, Defendants have failed to comply with the Court's order for all the reasons outlined in the prior briefs, but one aspect of their failure stands out from the others: to date, it appears that Defendants' private entity list is not actually a list of all private entities with access to TSDB information. Yes—the facts strongly suggest that the private entity list is missing hundreds, perhaps even more than a thousand, private entities.

ARGUMENT

Defendants declarations acknowledge that their dissemination practices are sloppy. In fact, the CJIS Supplemental Response concedes that more than 10 percent of the private entities Plaintiffs' counsel reviewed—about 150 entries out of 1,441—were actually, upon closer examination, public entities. Dkt. 287-9 at 2, fn. 3. Realizing that this propensity to

mislabel entities is likely systemic, Plaintiffs have repeatedly asked the federal government to confirm that the private entity list counsel reviewed is a complete list of all private entities with access to TSDB information. Despite repeated requests, the federal government has not confirmed.

Plaintiffs believe that, based on the information available to them, more than one thousand private entities are likely lurking among the approximately 20,000 total ORI's in Defendants' databases. At the very least, the Court should compel Defendants to provide Plaintiffs the opportunity to review a complete list of all private entities with access to TSDB information. The intent of this Court's February 22nd order was to give Plaintiffs' counsel the opportunity to review all private entities with access to TSDB information, an opportunity Defendants appear to have thus far failed to provide.

Respectfully submitted,

COUNCIL ON AMERICAN-ISLAMIC
RELATIONS

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**Gadeir Abbas is licensed in VA, not in D.C. Practice limited to federal matters.*

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CERTIFICATE OF SERVICE

I hereby certify that on March 7, 2018, I electronically filed the foregoing by using the Court's ECF system. I certify that I will provide copies of the under-seal filing to counsel via electronic means.

Respectfully submitted,

COUNCIL ON AMERICAN-ISLAMIC
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